IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

PHE, Inc.	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. TBD
	)	
DOES 1-96.	)	***JURY TRIAL DEMANDED***
	)	
Defendants.	)	
	)	

PLAINTIFF'S MOTION FOR LEAVE
TO TAKE DISCOVERY PRIOR TO RULE 26(f) CONFERENCE

COMES NOW Plaintiff, PHE, Inc. and respectfully moves this Court, for Leave to take Discovery Prior to the Rule 26(f) Conference. Specifically, Plaintiff seeks leave of Court to serve limited discovery prior to a Rule 26(f) conference on non-party ISPs to determine the true identities of the John Doe Defendants and for all other relief as this Court deems just and proper. Plaintiff incorporates herein the reasoning set forth in its accompanying Memorandum.

Plaintiff provides a Proposed Order based substantially on the Order used in *Combat Zone Corp. v. Does 1-28*, No. 4:12-cv-01363-CDP, Docket No. 6 (Sealed) (E.D. Mo. Aug. 15, 2012) (Perry, J.). The Proposed Order also incorporates provisions of the Order used in *XPays, Inc. v. Does 1-18*, No. 4:12-cv-01450-RWS, Docket No. 11 at 3 (E.D. Mo. Aug. 20. 2012) (Sippel, J.). Finally, the Proposed Order, in consideration of the extended period necessary for defendant identification, incorporates the 120-day service deadline extension of the Order used in *West Coast Productions, Inc. v. Swarm Sharing Hash Files 2560, et al., and Does 1-442*, No. 4:12-cv-00748-FRB, Docket No. 17 (E.D. Mo. Aug. 20, 2012) (Buckles, Mag. J.).

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WHEREFORE Plaintiff PHE, Inc. respectfully moves this Court for Leave to take

Discovery Prior to the Rule 26(f) Conference and for all other relief as this Court deems just and

proper.

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Respectfully submitted,
PLAINTIFF PHE, INC.

By its attorneys,
SIMMONS BROWDER GIANARIS
ANGELIDES & BARNERD LLC

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Dated: December 12, 2012   By: */s/ Paul A. Lesko*
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CERTIFICATE OF SERVICE

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I hereby certify that on December 12, 2012, I electronically filed the foregoing document

via the Court's ECF, electronic email system, upon all of record:

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/s/ Paul A. Lesko_____

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